

Notice of Allowability	Application No.	Applicant(s)	
	10/691,157	BOLDOGH ET AL.	
	Examiner	Art Unit	
	Chih-Min Kam	1656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/25/06.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

DETAILED ACTION

1. Claims 1-7 are pending.

Applicants' amendment filed April 25, 2006 is acknowledged. Applicants' response has been fully considered. Claims 1 and 7 have been amended. Therefore, claims 1-7 are examined.

Withdrawn Claim Objections

2. The previous objection to claim 6 is withdrawn in view of applicants' amendment to the claim in the amendment filed April 25, 2006.

Withdrawn Claim Rejections - 35 USC § 112

3. The previous rejection of claims 1-5 and 7, under 35 U.S.C. 112, first paragraph, regarding the scope and new matter, is withdrawn in view of applicants' amendment to the claim, and applicants' response at pages 6-7 in the amendment filed April 25, 2006.

Examiner's Amendment

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Examiner's Amendments to the specification:

Please replace the paragraph at page 1, lines 11-17 with the following paragraph:

This application claims priority to U.S. Provisional Application Serial No. 60/420,369, filed October 22, 2002, and is a Continuation-In-Part of U.S. Patent Application Serial No. 10/281,652, filed on October 28, 2002, now U. S. Patent 6,939,847, which is a Divisional of U.S. Patent Application Serial No. 09/641,803, filed August 17, 2000 (issued on December 31, 2002

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as U.S. Patent No. 6,500,798), which claims the benefit of U.S. Provisional Application Serial No. 60/149,310, filed August 17, 1999, all of which are incorporated herein by reference.

Please replace the term "Figure 1" at page 6, line 6 with the term "Figures 1A-1E".

Please replace the term "Figure 2" at page 6, line 13 with the term "Figures 2A and 2B".

Please replace the term "Figures 6A-6D" at page 7, line 7 with the term "Figures 6A-6G".

Please replace the term "Figure 7" at page 7, line 32 with the term "Figures 7A and 7B".

Please replace the term "Example 7" at page 28, line 6 with the term "Example 6".

Please replace the term "Example 8" at page 29, line 1 with the term "Example 7".

The following is an **Examiner's Statement of Reasons for Allowance**:

The following references appear to be the closest art to the claimed invention. Janusz *et al.* (WO 98/14473) teach colostrinin has capability to stimulate the growth, maturation and differentiation of immunologically active cells both in humans and in experimental animals, and the administration of colostrinin produces an immunomodulatory effect, which can be utilized prophylactically and therapeutically in many related diseases. However, Janusz *et al.* do not disclose the use of clostrinin or its constitute peptide in modulating an intracellular signaling molecule in a cell such as reducing 4-hydroxynonenal (4HNE)-protein adduct formation, inhibiting 4HNE-mediated glutathione depleting, inhibiting 4HNE-induced activation of p53 protein, inhibiting 4HNE-induced activation of c-Jun NH2-terminal kinases, or down regulating 4HNE-mediated oxidative damage associated with lipid peroxidation. Therefore, the claimed invention is allowable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr can be reached at 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Min Kam, Ph. D.
Patent Examiner



CHIH-MIN KAM
PATENT EXAMINER

CMK

May 3, 2006